

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

DOLORES CEPEDA

VS

C.A.2019-CV-5

**BANK OF AMERICA, N.A.
FAY SERVICING, LLC
WILMINGTON TRUST NATIONAL ASSOCIATION
SOLEY AS TRUSTEE FOR THE MFRA TRUST 2014-2 , ALIAS**

**MOTION TO FILE SUPPLEMENTAL MEMORANDUM OF LAW IN
VIEW OF THE RHODE ISLAND SUPREME COURT CASE OF
WOEL V. CHRISTIANA TRUST**

Plaintiff, by her attorney, moves this Court to allow her to file a Supplemental Memorandum of Law in view of the Rhode Island Supreme Court case of *Woel v. Christiana Trust*, which was decided June 2, 2020. This case extensively discusses Rhode Island contract and foreclosure law and specifically holds that strict compliance without a demonstration of prejudice applies to any mortgage foreclosure cases. This case also made a distinction between the amounts needed to cure a default after receipt of an accurate default notice pursuant to paragraph 22 of the mortgage and the amounts needed to reinstate pursuant to paragraph 19 of the mortgage. The Plaintiff also alleged in this case that the Defendant could not exercise the statutory power of sale because it had never accelerated the mortgage note prior to mailing a Notice of Sale. Defendant cited the case of *Viera v. Bank*

of New York Mellon , 2018 WL 4964545, at *2 (D.R.I. Oct. 12, 2018), for the proposition that no acceleration was required. However it is clear that the Rhode Island Supreme Court in *Woel* held that acceleration of the mortgage note was required in order for a valid exercise of the statutory power of sale.

For these reasons, the Plaintiff moves that she be allowed a reasonable amount of time and to file a supplemental memorandum of law on or before July 13, 2020 to address the issues of Rhode Island foreclosure law raised by *Woel*, with sufficient time for the Defendants to respond.

DOLORES CEPEDA
By her attorney,

June 11, 2020

/s/ John B. Ennis
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Certificate of Service

I hereby certify that I emailed a copy of this Motion to Patrick T. Uiterwyk on June 11, 2020 and by electronic filing.

/s/ John B. Ennis